

1 A bill to be entitled

2 An act relating to prescription medication; amending
3 ss. 458.347 and 459.022, F.S.; authorizing a licensed
4 physician assistant acting under the direction of a
5 supervisory physician to order medication for
6 administration to a specified patient; conforming
7 provisions; amending s. 464.012, F.S.; authorizing an
8 advanced registered nurse practitioner to order
9 medication for administration to a specified patient;
10 amending ss. 465.003 and 893.02, F.S.; revising the
11 definition of the term "prescription" to exclude an
12 order that is dispensed for administration to a
13 specified patient; amending ss. 465.187 and 893.04,
14 F.S.; conforming provisions; amending s. 893.05, F.S.;
15 authorizing a licensed physician assistant or advanced
16 registered nurse practitioner acting under the
17 direction and with authorization of a supervisory
18 physician to order a controlled substance for
19 administration to a specified patient; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (g) of subsection (4) of section
25 458.347, Florida Statutes, is amended to read:

26 458.347 Physician assistants.—

27 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

28 (g) A supervisory physician may delegate to a licensed
 29 physician assistant the authority to, and the licensed physician
 30 assistant acting under the direction of the supervisory
 31 physician may, order medication ~~medications~~ for administration
 32 to the supervisory physician's patient ~~during his or her care~~ in
 33 a facility licensed under chapter 395, ~~notwithstanding any~~
 34 ~~provisions in chapter 465 or chapter 893 which may prohibit this~~
 35 ~~delegation. For the purpose of this paragraph, an order is not~~
 36 ~~considered a prescription. A licensed physician assistant~~
 37 ~~working in a facility that is licensed under chapter 395 may~~
 38 ~~order any medication under the direction of the supervisory~~
 39 ~~physician.~~

40 Section 2. Paragraph (f) of subsection (4) of section
 41 459.022, Florida Statutes, is amended to read:

42 459.022 Physician assistants.—

43 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

44 (f) A supervisory physician may delegate to a licensed
 45 physician assistant the authority to, and the licensed physician
 46 assistant acting under the direction of the supervisory
 47 physician may, order medication ~~medications~~ for administration
 48 to the supervisory physician's patient ~~during his or her care~~ in
 49 a facility licensed under chapter 395, ~~notwithstanding any~~
 50 ~~provisions in chapter 465 or chapter 893 which may prohibit this~~
 51 ~~delegation. For the purpose of this paragraph, an order is not~~
 52 ~~considered a prescription. A licensed physician assistant~~

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53 ~~working in a facility that is licensed under chapter 395 may~~
54 ~~order any medication under the direction of the supervisory~~
55 ~~physician.~~

56 Section 3. Paragraph (e) is added to subsection (3) of
57 section 464.012, Florida Statutes, to read:

58 464.012 Certification of advanced registered nurse
59 practitioners; fees.—

60 (3) An advanced registered nurse practitioner shall
61 perform those functions authorized in this section within the
62 framework of an established protocol that is filed with the
63 board upon biennial license renewal and within 30 days after
64 entering into a supervisory relationship with a physician or
65 changes to the protocol. The board shall review the protocol to
66 ensure compliance with applicable regulatory standards for
67 protocols. The board shall refer to the department licensees
68 submitting protocols that are not compliant with the regulatory
69 standards for protocols. A practitioner currently licensed under
70 chapter 458, chapter 459, or chapter 466 shall maintain
71 supervision for directing the specific course of medical
72 treatment. Within the established framework, an advanced
73 registered nurse practitioner may:

74 (e) Order medication for administration to a patient in a
75 facility licensed under chapter 395.

76 Section 4. Subsection (14) of section 465.003, Florida
77 Statutes, is amended to read:

78 465.003 Definitions.—As used in this chapter, the term:

79 (14) "Prescription" includes any order for drugs or
80 medicinal supplies written or transmitted by any means of
81 communication by a duly licensed practitioner authorized by the
82 laws of the state to prescribe such drugs or medicinal supplies
83 and intended to be dispensed by a pharmacist. The term also
84 includes an orally transmitted order by the lawfully designated
85 agent of such practitioner. The term also includes an order
86 written or transmitted by a practitioner licensed to practice in
87 a jurisdiction other than this state, but only if the pharmacist
88 called upon to dispense such order determines, in the exercise
89 of her or his professional judgment, that the order is valid and
90 necessary for the treatment of a chronic or recurrent illness.
91 The term "prescription" also includes a pharmacist's order for a
92 product selected from the formulary created pursuant to s.
93 465.186. The term "prescription" does not include an order that
94 is dispensed for administration to a patient in a facility
95 licensed under chapter 395. Prescriptions may be retained in
96 written form or the pharmacist may cause them to be recorded in
97 a data processing system, provided that such order can be
98 produced in printed form upon lawful request.

99 Section 5. Section 465.187, Florida Statutes, is amended
100 to read:

101 465.187 Sale of medicinal drugs.—The sale of medicinal
102 drugs dispensed upon the prescription ~~order~~ of a practitioner
103 pursuant to this chapter shall be entitled to the exemption from
104 sales tax provided for in s. 212.08.

105 Section 6. Subsection (22) of section 893.02, Florida
106 Statutes, is amended to read:

107 893.02 Definitions.—The following words and phrases as
108 used in this chapter shall have the following meanings, unless
109 the context otherwise requires:

110 (22) "Prescription" means and includes an order for drugs
111 or medicinal supplies written, signed, or transmitted by any
112 ~~word of mouth, telephone, telegram, or other~~ means of
113 communication by a duly licensed practitioner authorized
114 ~~licensed~~ by the laws of the state to prescribe such drugs or
115 medicinal supplies, issued in good faith and in the course of
116 professional practice, intended to be ~~filled, compounded, or~~
117 dispensed by a ~~another~~ person authorized ~~licensed~~ by the laws of
118 the state to do so, and meeting the requirements of s. 893.04.
119 The term also includes an order for drugs or medicinal supplies
120 so transmitted or written by a physician, dentist, veterinarian,
121 or other practitioner licensed to practice in a state other than
122 Florida, but only if the pharmacist called upon to fill such an
123 order determines, in the exercise of his or her professional
124 judgment, that the order was issued pursuant to a valid patient-
125 physician relationship, that it is authentic, and that the drugs
126 or medicinal supplies so ordered are considered necessary for
127 the continuation of treatment of a chronic or recurrent illness.
128 However, if the physician writing the prescription is not known
129 to the pharmacist, the pharmacist shall obtain proof to a
130 reasonable certainty of the validity of said prescription. A

131 prescription order for a controlled substance shall not be
132 issued on the same prescription blank with another prescription
133 order for a controlled substance which is named or described in
134 a different schedule, nor shall any prescription order for a
135 controlled substance be issued on the same prescription blank as
136 a prescription order for a medicinal drug, as defined in s.
137 465.003(8), which does not fall within the definition of a
138 controlled substance as defined in this act. The term
139 "prescription" does not include an order that is dispensed for
140 administration to a patient in a facility licensed under chapter
141 395.

142 Section 7. Subsection (2) of section 893.04, Florida
143 Statutes, is amended to read:

144 893.04 Pharmacist and practitioner.—

145 (2) (a) A pharmacist may not dispense a controlled
146 substance listed in Schedule II, Schedule III, or Schedule IV to
147 any patient or patient's agent without first determining, in the
148 exercise of her or his professional judgment, that the
149 prescription ~~order~~ is valid. The pharmacist may dispense the
150 controlled substance, in the exercise of her or his professional
151 judgment, when the pharmacist or pharmacist's agent has obtained
152 satisfactory patient information from the patient or the
153 patient's agent.

154 (b) Any pharmacist who dispenses by mail a controlled
155 substance listed in Schedule II, Schedule III, or Schedule IV is
156 exempt from the requirement to obtain suitable identification

157 for the prescription dispensed by mail if the pharmacist has
158 obtained the patient's identification through the patient's
159 prescription benefit plan.

160 (c) Any controlled substance listed in Schedule III or
161 Schedule IV may be dispensed by a pharmacist upon an oral
162 prescription if, before filling the prescription, the pharmacist
163 reduces it to writing or records the prescription electronically
164 if permitted by federal law. Such prescriptions must contain the
165 date of the oral authorization.

166 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
167 practitioner in this state for a controlled substance listed in
168 Schedule II, Schedule III, or Schedule IV must include both a
169 written and a numerical notation of the quantity of the
170 controlled substance prescribed and a notation of the date in
171 numerical, month/day/year format, or with the abbreviated month
172 written out, or the month written out in whole. A pharmacist
173 may, upon verification by the prescriber, document any
174 information required by this paragraph. If the prescriber is not
175 available to verify a prescription, the pharmacist may dispense
176 the controlled substance but may insist that the person to whom
177 the controlled substance is dispensed provide valid photographic
178 identification. If a prescription includes a numerical notation
179 of the quantity of the controlled substance or date, but does
180 not include the quantity or date written out in textual format,
181 the pharmacist may dispense the controlled substance without
182 verification by the prescriber of the quantity or date if the

183 pharmacy previously dispensed another prescription for the
 184 person to whom the prescription was written.

185 (e) A pharmacist may not dispense more than a 30-day
 186 supply of a controlled substance listed in Schedule III upon an
 187 oral prescription issued in this state.

188 (f) A pharmacist may not knowingly dispense ~~fill~~ a
 189 prescription that has been forged for a controlled substance
 190 listed in Schedule II, Schedule III, or Schedule IV.

191 Section 8. Subsection (1) of section 893.05, Florida
 192 Statutes, is amended to read:

193 893.05 Practitioners and persons administering controlled
 194 substances in their absence.—

195 (1) A practitioner, in good faith and in the course of his
 196 or her professional practice only, may prescribe, administer,
 197 dispense, mix, or otherwise prepare a controlled substance, or
 198 the practitioner may cause the controlled substance ~~same~~ to be
 199 administered by a licensed nurse or an intern practitioner under
 200 his or her direction and supervision only. A veterinarian may so
 201 prescribe, administer, dispense, mix, or prepare a controlled
 202 substance for use on animals only, and may cause it to be
 203 administered by an assistant or orderly under the veterinarian's
 204 direction and supervision only. A certified optometrist licensed
 205 under chapter 463 may not administer or prescribe a controlled
 206 substance listed in Schedule I or Schedule II of s. 893.03. A
 207 licensed physician assistant or advanced registered nurse
 208 practitioner, acting under the direction and with the

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209 authorization of a supervisory physician, may order a controlled
210 substance for administration to a patient, consistent with the
211 requirements of s. 458.347, s. 459.022, or s. 464.012.

212 Section 9. This act shall take effect July 1, 2015.